

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOSE VAZQUEZ, individually and on behalf of all others similarly situated,

Plaintiff,

V.

SLSCO LTD.,

Defendant.

Civil Action No.
20-11343-FDS

SETTLEMENT ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

SAYLOR, C.J.

Plaintiff Jose Vazquez and SLSCO, LTD., have submitted their proposed Settlement Agreement, Release and Waiver (“Settlement Agreement”) to settle the above-captioned class action subject to this Court’s approval. The Court granted preliminary approval on January 11, 2022.

In accordance with the Preliminary Order Granting Approval of Class Action Settlement (ECF No. 33) and the Settlement Agreement, notice was sent to all Settlement Class members by first-class mail. Follow-up mailings and searches were performed for returned mail and the distribution of notices to the Settlement Class was completed in a timely manner.

Plaintiff has filed an unopposed motion for final approval of the Settlement Agreement. (ECF No. 36). No class member has objected to the terms of the settlement or opted out of the settlement.

The Court has considered the motion, as well as relevant filings, and held a Final

Approval Hearing on May 18, 2022.

Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Settlement Agreement is approved pursuant to Fed. R. Civ. P. 23(e).

2. This order incorporates by reference The Preliminary Order Granting Approval of Class Action Settlement and the Settlement Agreement.

3. The Settlement Class this Court preliminarily certified is hereby finally certified for settlement purposes. The Settlement Class is defined as follows:

All persons who worked for SLSCO LTD, who were paid a day rate in Massachusetts in October through December 2018 and/or North Carolina in February through August 2019.

4. The Court finds that the notice mailed to class members fully and accurately informed class members of all material elements of the proposed Settlement Agreement and of their opportunity to object to, or opt-out of, the agreement. The notice was the best practicable under the circumstances; provided valid, due and sufficient notice to all class members; and complied with the Federal Rules of Civil Procedure, due process, and other applicable law. A full opportunity was afforded to class members to participate in the Final Approval Hearing.

5. The Court finds that the named plaintiff and class counsel have fully and adequately represented the Settlement Class for purposes of entering into and implementing the Settlement Agreement and have satisfied the requirements of Fed. R. Civ. P. 23(a)(4).

6. The Court finds that extensive discovery, investigation, informal discovery, and research have been conducted such that counsel for all parties are able to reasonably evaluate their respective positions. The Court finds that the Settlement Agreement has been reached after considered, thorough, and non-collusive negotiations.

7. The Court hereby finds the Settlement Agreement to be fair, reasonable, and adequate, and in the best interests of the Settlement Class as a whole. In arriving at that

conclusion, the Court has considered the length and risks of continued litigation, the possibility of appeal, and the possible effects on class members of further delay of recovery.

8. Accordingly, the Court hereby directs that the Settlement Agreement be effected in accordance with its terms and the terms of this order.

9. With the entry of this order, the Class Members will release such claims as provided in the Settlement Agreement.

10. Pursuant to the terms of the Settlement Agreement, the Court orders that defendant pay a maximum of \$550,000 to the class to resolve the class claims. That amount includes all settlement payments; attorneys' fees and costs; plaintiff's incentive award; interest; litigation costs; expert fees and costs; and liquidated, punitive and multiple damages.

11. The defendant will pay the first \$15,000 in administrative costs to the Settlement Administrator, Rust Consulting, Inc., as provided in the Settlement Agreement. If administrative costs exceed \$15,000, any additional costs will be paid from the Maximum Gross Settlement Agreement Amount.

12. The Court orders payment to plaintiff Jose Vazquez of an incentive payment in the amount of \$2,500, as provided in the Settlement Agreement. The Court finds that such payment is fair and reasonable considering the benefits plaintiff provided to the Settlement Class and class counsel.

13. The Court orders payment to class counsel attorneys' fees and expenses in the amount of \$183,333.33, as provided in the Settlement Agreement. The Court finds that such payments are fair and reasonable under the circumstances. In ordering this award of attorneys' fees and costs, the Court considered the substantial benefits that class counsel achieved for the Settlement Class through their efforts, fees awarded by courts in similar cases, and the contingent

nature of the attorneys' fees in this case.

14. The settlement will become effective 35 days after the entry of this order and any time to challenge or appeal the settlement has elapsed. Within ten days of the order going into effect, defendant will fund all obligations under the Settlement Agreement. Settlement checks issued to class members shall be valid for 60 days. After that time, any un-cashed checks will be paid to the *cy pres* beneficiary designated in the Settlement Agreement.

15. Following payment in full of all amounts awarded by the Settlement Agreement, the case will be dismissed with prejudice.

16. Without affecting the finality of this Final Order, the Court reserves continuing and exclusive jurisdiction to administer, supervise, construe, and enforce the Settlement Agreement in accordance with its terms and the order of this Court.

17. Having found that the Settlement Agreement is fair and reasonable, the Court, in the interests of justice, directs that judgment concerning the Settlement Agreement be entered as to all parties and claims in this action.

So Ordered.

Dated: May 19, 2022

/s/ F. Dennis Saylor, IV
F. Dennis Saylor, IV
Chief Judge, United States District Court